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10/587,839

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David Holliday

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EXAMINER

EKPO, NNENNA NGOZI

ART UNIT

PAPER NUMBER

2425

NOTIFICATION DATE

DELIVERY MODE

03/14/2012

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

PTO-PAT-Email@rfem.com

Office Action Summary

Application No.

10/587,839

Applicant(s)

HOLLIDAY ET AL.

Examiner

NNENNA EKPO

Art Unit

2425

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 May 2011.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ An election was made by the applicant in response to a restriction requirement set forth during the interview on ____; the restriction requirement and election have been incorporated into this action.
- 4) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 5) ☒ Claim(s) 1-24 and 47-50 is/are pending in the application.
- 5a) Of the above claim(s) 25-46 is/are withdrawn from consideration.
- 6) ☐ Claim(s) ____ is/are allowed.
- 7) ☒ Claim(s) 1-24 and 47-50 is/are rejected.
- 8) ☐ Claim(s) ____ is/are objected to.
- 9) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 10) ☐ The specification is objected to by the Examiner.
- 11) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 12) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-832)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date ____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: ____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments, see pages 2+ of the Remarks, filed 05/10/2011, with respect to the rejection(s) of claim(s) 1-24 and 47-50 under Levandowski (6,704,060) in view Srivastava (2002/0194596) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Levandowski (6,704,060).
2. Levandowski is being applied as a 102 reference now because after carefully reviewing Applicant's remarks and reading the Levandowski's reference, Examiner believes the reference teaches the claim limitations. Levandowski teaches an integrated receiver/decoder (IRD, 112 of fig. 1), the system receives television signals from cable/terrestrial broadcasting stations, decodes the signals and displays the video/audio signals on displays (114) and (120) and their associated remote controls (116 and 122) respectively. The respective remote controls (116 and 122) are used to select video/audio signals for output on their respective displays (114 and 120). Using the IR remote, 116 in fig. 1 indicates the user wants to watch the TV display 114 in the first viewing location 101 and a picture format of a high-definition signal or a standard definition signal suitable for the display 114 is selected, similarly, if using the RF remote 122 in fig. 1 indicates the user wants to watch the TV display 120 in the second viewing location 102 and a picture format of a high-definition signal or a standard definition signal suitable for the display 120 is selected. This method and apparatus is used for

high-definition and standard-definition television system and allows independent and simultaneous viewing of two contents with a small increase in unit cost.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. **Claim 12** is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 12 elements “.....means for conveying to the first control input..... andmeans for conveying to the second control input.....” is means (or step) plus function limitation that invokes 35 U.S.C. 112, sixth paragraph.

Applicant is required to:

(a) Amend the claim so that the claim limitation will no longer be a means (or step) plus function limitation under 35 U.S.C. 112, sixth paragraph; or

(b) Amend the written description of the specification such that it expressly recites what structure, material, or acts perform the claimed function without introducing any new matter (35 U.S.C. 132(a)).

If applicant is of the opinion that the written description of the specification already implicitly or inherently discloses the corresponding structure, material, or acts so that one of ordinary skill in the art would recognize what structure, material, or acts perform the claimed function, applicant is required to clarify the record by either:

(a) Amending the written description of the specification such that it expressly recites the corresponding structure, material, or acts for performing the claimed function and clearly links or associates the structure, material, or acts to the claimed function, without introducing any new matter (35 U.S.C. 132(a)); or

(b) Stating on the record what the corresponding structure, material, or acts, which are implicitly or inherently set forth in the written description of the specification, perform the claimed function. For more information, see 37 CFR 1.75(d) and MPEP §§ 608.01(o) and 2181.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

4. Regarding **claims 23 and 24**, while the computer program including program steps is disclosed in the specification in paragraph 0051 as flash memory, its description is open-ended and allows for non-statutory embodiments such as a signal or carrier wave under the broadest reasonable interpretation. The suggested claim language to obviate the rejection is "non-transitory", "computer usable memory", or "computer usable storage memory", "computer readable memory", "computer readable device", (i.e. any variations thereof, where "media" or "medium" is replaced by "device" or "memory") or adding "wherein the medium is not a signal".

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. **Claims 1-12, 16-24 and 48-50** are rejected under 35 U.S.C. 102(e) as being anticipated by Levandowski (U.S. Patent No. 6,704,060).

Regarding **claims 1, 16, 22 and 47**, Levandowski discloses a media device (see fig. 1 (IRD, 112)) having at least first (see fig. 1 (display, 114)) and second media outputs (see fig. 1 (display, 120)) and respective associated first (see fig. 1 (IR remote, 116)) and second control inputs (see fig. 1 (RF remote, 122)), the media device being arranged

to select or modify media signals for output on the first and/or second media outputs in response to control signals received on either of the first and second control inputs (see col. 2, lines 42-64, fig 1; remote controls 116 and 122 are used for selection of the television signals);

the device being further arranged to apply a common setting to the media signals output on the first and second media outputs (see col. 3, lines 64-col. 4, lines 8; using the IR remote, 116 in fig. 1 indicates the user wants to watch the TV display 114 in the

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first viewing location 101 and a picture format of a high-definition signal or a standard definition signal suitable for the display 114 is selected);

wherein the device is arranged to adopt a predetermined first or second setting as said common setting according to whether control signals are received respectively on said first or said second inputs (see col. 3, lines 64-col. 4, lines 8, col. 5, lines 49-56; using the IR remote, 116 in fig. 1 indicates the user wants to watch the TV display 114 in the first viewing location 101 and a picture format of a high-definition signal or a standard definition signal suitable for the display 114 is selected, similarly, if using the RF remote 122 in fig. 1 indicates the user wants to watch the TV display 120 in the second viewing location 102 and a picture format of a high-definition signal or a standard definition signal suitable for the display 120 is selected).

Regarding **claim 2**, Levandowski discloses everything claimed as applied above (*see claim 1*). Levandowski discloses wherein said first and/or second settings are modifiable by a user (see col. 5, lines 49-56).

Regarding **claim 3**, Levandowski discloses everything claimed as applied above (*see claim 2*). Levandowski discloses wherein the first and second settings are modifiable by the control signals input at the first and/or second control inputs (see col. 5, lines 49-56).

Regarding **claims 4 and 18**, Levandowski discloses everything claimed as applied above (*see claims 1 and 16*). Levandowski discloses a device wherein the media signals include video signals (see col. 1, lines 67-col. 2, line 3, col. 2, lines 42-49).

Regarding **claims 5 and 19**, Levandowski discloses everything claimed as applied above (*see claims 4 and 18*). Levandowski discloses wherein the common setting comprises a picture format of the video signal (see col. 3, lines 38-47).

Regarding **claims 6, 20 and 48**, Levandowski discloses everything claimed as applied above (*see claims 5, 19 and 47*). Levandowski discloses the picture format comprises an aspect ratio (see col. 3, lines 5-14).

Regarding **claims 7 and 21**, Levandowski discloses everything claimed as applied above (*see claims 1 and 16*). Levandowski discloses a device wherein the media signals include audio signals (see col. 1, lines 67-col. 2, line 3, col. 2, lines 42-49).

Regarding **claim 8**, Levandowski discloses everything claimed as applied above (*see claim 1*). Levandowski discloses an apparatus including a device, a media relay for conveying the media signals from the second media output to a media player at a

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location remote from the device, and a control relay for relaying the control signals from the remote location to the device (see col. 2, lines 42-64, fig 1 (118, 122)).

Regarding **claim 9**, Levandowski discloses everything claimed as applied above (*see claim 8*). Levandowski discloses an apparatus, wherein the control relay is arranged to receive said control signals from a line-of-sight remote controller (see col. 2, lines 49-56).

Regarding **claim 10**, Levandowski discloses everything claimed as applied above (*see claim 9*). Levandowski discloses an apparatus wherein the media device is arranged to receive the control signals at the first control input from said line-of-sight remote controller (see col. 2, lines 49-56, fig 1 (116)).

Regarding **claim 11**, Levandowski discloses everything claimed as applied above (*see claim 9*). Levandowski discloses an apparatus wherein the line-of-sight remote controller is an infra-red remote control (see col. 2, lines 49-56).

Regarding **claim 12**, Levandowski discloses everything claimed as applied above (*see claim 11*). Levandowski discloses a media system including apparatus a first media player (fig. 1 (114)) at a first location (fig. 1 (101)), means for conveying to the first control input (fig. 1 (116)) said control signals initiated by a user from the first location, a second media player (fig. 1 (116)) at a second location (fig. 1 (102)), and

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means for conveying to the second control input (fig. 1 (122)) said control signals initiated by the user from the second location (see fig. 1, col. 2, lines 42-col. 3, line 4).

Regarding **claim 17**, Levandowski discloses everything claimed as applied above (*see claim 2*). Levandowski discloses a method including modifying said first and/or second settings in response to user input (see col. 5, lines 49-56).

Regarding **claim 23**, Levandowski discloses everything claimed as applied above (*see claim 22*). Levandowski discloses a computer program product comprising the computer program recorded on a carrier (see col. 5, lines 49-56, lines 57-col. 6, line 9).

Regarding **claim 24**, Levandowski discloses everything claimed as applied above (*see claim 22*). Levandowski discloses a broadcast signal including a computer program (see col. 6, lines 1-9).

Regarding **claims 49 and 50**, Levandowski discloses everything claimed as applied above (*see claims 47 and 48*). Levandowski discloses wherein said first and/or second picture formats are modifiable by a user (see col. 5, lines 49-56).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. **Claims 13-15** are rejected under 35 U.S.C. 103(a) as being unpatentable over Levandowski (U.S. Patent No. 6,704,060) in view of Applicant Admitted Prior Art (AAPA).

Regarding **claim 13**, Levandowski discloses a media device (see fig. 1 (IRD, 112)) having at least first (see fig. 1 (display, 114)) and second media outputs (see fig. 1 (display, 120)) and respective associated first (see fig. 1 (IR remote, 116)) and second control inputs (see fig. 1 (RF remote, 122)), the media device being arranged

to select or modify media signals for output on the first and/or second media outputs in response to control signals received on either of the first and second control inputs (see col. 2, lines 42-64, fig 1; remote controls 116 and 122 are used for selection of the television signals);

the device being further arranged to apply a common setting to the media signals output on the first and second media outputs (see col. 3, lines 64-col. 4, lines 8; using the IR remote, 116 in fig. 1 indicates the user wants to watch the TV display 114 in the first viewing location 101 and a picture format of a high-definition signal or a standard definition signal suitable for the display 114 is selected);

wherein the device is arranged to adopt a predetermined first or second setting as said common setting according to whether control signals are received respectively on said first or said second inputs (see col. 3, lines 64-col. 4, lines 8, col. 5, lines 49-56; using the IR remote, 116 in fig. 1 indicates the user wants to watch the TV display 114 in the first viewing location 101 and a picture format of a high-definition signal or a standard definition signal suitable for the display 114 is selected, similarly, if using the RF remote 122 in fig. 1 indicates the user wants to watch the TV display 120 in the second viewing location 102 and a picture format of a high-definition signal or a standard definition signal suitable for the display 120 is selected).

Although Levandowski discloses an auxiliary control input for receiving control signals from the remote control (see fig. 1 (RF remote, 122)), Levandowski is silent as to receiving it via a remote control extender.

AAPA discloses an auxiliary control input for receiving control signals from the remote control via a remote control extender (see paragraph 0010).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the method and apparatus for viewing two independent channels using one integrated receiver/decoder of Levandowski to include an auxiliary control input for receiving control signals from the remote control via a remote control extender as taught by AAPA for the advantage of providing improved user interface.

Regarding **claim 14**, Levandowski and AAPA discloses everything claimed as applied above (*see claim 13*). Levandowski discloses the picture format comprises an aspect ratio (see col. 3, lines 5-14).

Regarding **claim 15**, Levandowski and AAPA discloses everything claimed as applied above (*see claim 13*). Levandowski discloses wherein said first and/or second picture formats are modifiable by a user (see col. 5, lines 49-56).

7. **Claim 15** is rejected under 35 U.S.C. 103(a) as being unpatentable over Levandowski (U.S. Patent No. 6,704,060) in view of Applicant Admitted Prior Art (AAPA) and Brett et al. (U.S. Patent No. 6,950,146).

Regarding **claim 15**, Levandowski and AAPA discloses everything claimed as applied above (*see claim 13*). Levandowski discloses wherein said first and/or second picture formats are modifiable by a user (see col. 5, lines 49-56).

In an analogous art, Brett et al. discloses wherein said first and/or second picture formats are modifiable by a user (see col. 5, lines 10-18).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the methods and apparatus of Levandowski and AAPA to include wherein said first and/or second picture formats are modifiable by a user as taught by Brett et al. for the advantage of receiving the best picture impression.

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8. **Claims 2, 17, 49 and 50** are rejected under 35 U.S.C. 103(a) as being unpatentable over Levandowski (U.S. Patent No. 6,704,060) in view of Brett et al. (U.S. Patent No. 6,950,146).

Regarding **claims 2 and 17**, Levandowski discloses everything claimed as applied above (*see claims 1 and 16*). Levandowski discloses wherein said first and/or second settings are modifiable by a user (see col. 5, lines 49-56).

In an analogous art, Brett et al. discloses wherein said first and/or second settings are modifiable by a user (see col. 5, lines 10-18).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the methods and apparatus of Levandowski to include wherein said first and/or second settings are modifiable by a user as taught by Brett et al. for the advantage of receiving the best picture impression.

Regarding **claims 49 and 50**, Levandowski discloses everything claimed as applied above (*see claims 47 and 48*). Levandowski discloses wherein said first and/or second picture formats are modifiable by a user (see col. 5, lines 49-56).

In an analogous art, Brett et al. discloses wherein said first and/or second picture formats are modifiable by a user (see col. 5, lines 10-18).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the methods and apparatus of Levandowski to

include wherein said first and/or second picture formats are modifiable by a user as taught by Brett et al. for the advantage of receiving the best picture impression.

Conclusion

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to NNENNA EKPO whose telephone number is (571)270-1663. The examiner can normally be reached on Monday-Thursday (9 am - 6 pm) and Flex on every Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Pendleton can be reached on 571-272-7527. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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Examiner, Art Unit 2425

March 2, 2012.

/Brian T Pendleton/

Supervisory Patent Examiner, Art Unit 2425